

**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA**

CASE NO.: CVA1 08-75

ARDAMAN & ASSOCIATES, INC.,
Appellant,

v.

41-10 DEVELOPMENT CORP.,
Appellee.

Appeal from the County Court,
for Orange County,
Deb S. Blechman, Judge.

Doryk B. Graf, Jr., Esquire,
for Appellant.

No appearance for Appellee.

Before POWELL, BLACKWELL, MACKINNON, J.J.

PER CURIAM.

**FINAL ORDER PARTIALLY REVERSING TRIAL COURT'S
AMENDED FINAL JUDGMENT**

Appellant Ardaman & Associates, Inc. timely appeal the trial court's Amended Final Judgment, dated January 19, 2009, awarding fees and costs in favor of Appellant. This Court has jurisdiction pursuant to Florida Rule of Appellate Procedure 9.030(c)(1)(A). We dispense with oral argument pursuant to Florida Rule of Appellate Procedure 9.320. Appellee 41-10 Development Corporation did not favor this Court with an answer brief.

The record on appeal shows that this was a hotly contested, extensively litigated, and unreasonably defended action for breach of contract with a prevailing party attorney's fees provision. *See Baker v. Varela*, 416 So. 2d 1190, 1192 (Fla. 1st DCA 1982)(recognizing that a

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing order was furnished via U.S. mail on this 3 day of February, 2010, to the following: **Doryk B. Graf, Jr., Esquire**, Post Office Box 2828, Orlando, Florida 32802 and **Dan Dufault, 41-10 Development Corporation**, Post Office Box 1909, Marco Island, Florida 34146.

_____/s/_____
Judicial Assistant